

HOUSE BILL REPORT

E2SHB 1071

As Passed House:
February 8, 2006

Title: An act relating to the uniform disciplinary act for health professions.

Brief Description: Concerning the uniform disciplinary act for health professions.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Campbell and Morrell).

Brief History:

Committee Activity:

Health Care: 2/4/05, 2/25/05 [DPS];

Appropriations: 3/3/05, 3/5/05 [DP2S(w/o sub HC)].

Floor Activity:

Passed House: 2/8/06, 96-2.

Brief Summary of Engrossed Second Substitute Bill

- Establishes a work group to review the complaint processing and sanctioning phases of the health professions disciplinary process.
- Requires the Secretary of Health to establish a schedule of sanctions that apply to health care providers for acts of unprofessional conduct.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Cody, Chair; Campbell, Vice Chair; Morrell, Vice Chair; Appleton, Clibborn, Green, Lantz and Moeller.

Minority Report: Do not pass. Signed by 7 members: Representatives Bailey, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander, Condotta, Hinkle, Schual-Berke and Skinner.

Staff: Chris Blake (786-7392).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed by 29

members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, McIntire, Miloscia, Pearson, Priest, Schual-Berke, Talcott and Walsh.

Staff: Amy Hanson (786-7118).

Background:

The Uniform Disciplinary Act (UDA) governs disciplinary actions for all 57 categories of credentialed health care providers. The UDA defines acts of unprofessional conduct, establishes sanctions for such acts, and provides general procedures for addressing complaints and taking disciplinary actions against a credentialed health care provider. Responsibilities in the disciplinary process are divided between the Secretary of Health (Secretary) and the 16 health profession boards and commissions according to the profession that the health care provider is a member of and the relevant step in the disciplinary process.

After investigating a complaint or report of unprofessional conduct, the Secretary or the board or commission must decide what disciplinary action is warranted by the evidence. The case may be closed without further action, pursued through an informal action in the form of a statement of allegations, or pursued through a formal action in the form of a statement of charges.

Upon a finding of an act of unprofessional conduct, the Secretary or the board or commission decides which sanctions should be ordered. These sanctions include: revocation of a license, suspension of a license, restriction of the practice, mandatory remedial education or treatment, monitoring of the practice, censure or reprimand, conditions of probation, payment of a fine, denial of a license request, corrective action, refund of billings, and surrender of the license. In the selection of a sanction the first consideration is what is necessary to protect or compensate the public, and the second consideration is what may rehabilitate the license holder or applicant.

Summary of Engrossed Second Substitute Bill:

The Secretary must establish a work group which may consist of representatives of the various health professions and health profession boards and commissions. The work group must review the complaint processing and sanction determination phases of the health professions disciplinary process. The work group must provide recommendations to the Legislature for creating greater efficiency in the processing of complaints and consistency in sanctioning, including specific ranges of sanctions for acts of unprofessional conduct and associated aggravating and mitigating factors.

The Secretary shall establish a schedule to define appropriate ranges of sanctions to apply to a license holder for acts of unprofessional conduct. The schedule must identify aggravating and mitigating circumstances to reduce or enhance a sanction for each act of unprofessional conduct. The Secretary must consider the maintenance of consistent sanction determinations

that balance the protection of the public's health and the rights of health care providers. The schedule shall apply to all disciplining authorities and shall be developed with the advice and consultation of the health profession boards and commissions. Disciplining authorities must apply sanctions in accordance with the schedule.

The authority of the health professions boards and commissions to order a summary suspension of a health care provider's license is transferred to the Secretary.

Appropriation: None.

Fiscal Note: Available on original bill.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Health Care) There is significant variation in the number of actions taken by different health profession boards and commissions. There must be standards to ensure that those who are not practicing professionally are sanctioned.

(With concerns) This bill may force cases to go to hearings because nobody would want to have a strike against them.

Testimony For: (Appropriations) None.

Testimony Against: (Health Care) A one size fits all sentencing guideline should not be mandated. There is not enough clarity around the definition of a finding.

Testimony Against: (Appropriations) None.

Persons Testifying: (Health Care) (In support) Representative Campbell, prime sponsor; and Laura Groshong, Washington State Society for Clinical Social Work and Washington State Coalition of Mental Health Professionals and Consumers.

(With concerns) Ann Tan Piazza, Washington State Nurses Association; and Linda Hull, Washington State Dental Association.

(Opposed) Andy Dolan, Washington State Medical Association.

Persons Testifying: (Appropriations) None.

Persons Signed In To Testify But Not Testifying: (Health Care) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.